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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,358	04/20/2004	Jae-hee Han	1349.1371	2607
21171	7590	12/29/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/827,358	<b>Applicant(s)</b> HAN ET AL.	
	<b>Examiner</b> Marissa L. Ferguson	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 7-18 is/are rejected.
- 7) ☐ Claim(s) 2, 3, 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being Toyoki by (JP 59-223658).

Regarding claim 1, Toyoki teaches a paper guide member (7) which is movably disposed between first and second positions (Figure 6 shows pivoting in different positions) with respect to a paper discharging direction of the papers to be stack the papers discharged from the paper outlet (Figure 4 show discharged stacks of paper) and a driving unit (8) to selectively move the paper guide member between the first and second positions (Figure 6 shows different positions of guide member 7).

Regarding claim 7, Toyoki teaches wherein the paper guide member (7) comprises a driving panel (7b) and the driving unit (8a) comprises a solenoid (8) to switch on/off to forcibly move the paper guide member to the first and second positions by interfering with the driving panel of the paper guide member (constitution).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 8-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoki by (JP 59-223658) in view of Masaru (JP 58-100059).

Regarding claims 4,8 and 14, Toyoki teaches the claimed invention with the exception of wherein the first and second sorting positions of the discharged papers are determined according to a length of the paper guide member in the paper discharging direction and wherein the first and second stacking positions are disposed relative to each other in the discharge position. Masaru teaches an apparatus (5) that sorts papers along the length of the guide member (5 and Figure) and discharges the papers in first and second stacking positions (Figure). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Toyoki to replace the guide thereof with a guide that discharges papers according to the length of the guide member as taught by Masaru, since Masaru teaches that it is advantageous to store the paper in an orderly manner and to keep it from bad running condition.

Regarding claim 9, Toyoki teaches a driver (8) to selectively move the guide between the first and second guide positions.

Regarding claim 10, Toyoki teaches a shaft (10), a first panel (7b) extending from the shaft to guide the discharged papers when the guide is in the first guide position (Figure 2A shows first position) and a second panel (8a) extending from the shaft to be moved by the driver (8).

Regarding claim 11, Toyoki teaches wherein the first panel (7b) has a greater length in a direction perpendicular to the shaft than the second panel (8a) and the first panel moves due to a weight thereof when a force from the driver (8) on the second panel is removed.

Regarding claim 12, Toyoki teaches wherein the discharged papers do not contact the guide when the guide is in the second guide position (Figure 4 shows that when paper is in position 6b, element 7 is not in contact with the paper).

Regarding claim 13, Toyoki teaches wherein the driver is a solenoid (8).

Regarding claim 15, Toyoki teaches claimed invention with the exception of the first and second stacking positions being disposed relative to each other along the discharge direction. Masaru teaches an apparatus (5) that sorts papers along the length of the guide member (5 and Figure) and discharges the papers in first and second stacking positions (Figure). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Toyoki to replace the guide thereof with a guide that discharges papers according to the length of the guide member as taught by Masaru, since Masaru teaches that it is advantageous to store the paper in an orderly manner and to keep it from bad running condition.

Regarding claim 16, Toyoki teaches a drive means for selectively moving the stacking means (7,7a) between the first and second guide positions.

Regarding claim 17, Toyoki teaches a shaft (10), a first panel (7b) extending from the shaft to guide the discharged papers when the stacking means is in the first guide position (Figure 2A shows first position) and a second panel (8a) extending from the shaft to be moved by the driver (8).

Regarding claim 18, Toyoki teaches a sorting means(7,7a,8b) for sorting the discharged papers comprising a stacking means for stacking the discharged papers in first and second stacking positions the first and second stacking positions being disposed relative to each other along the discharge direction (Figure 4 shows different positions of the stacked paper) and a moving means (8) for selectively moving the stacking means between first and second guide positions (Figure 6 shows different positions of element 7) to respectively stack the discharged papers in the first and second stacking positions (Figure 4 shows different stacking positions). However, he does not explicitly disclose a discharging means for discharging papers having images formed thereon in a discharge direction.

Masaru teaches an apparatus (5) that sorts papers along the length of the guide member (5 and Figure) and discharges the papers in first and second stacking positions (Figure).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Toyoki to replace the guide thereof with a guide that discharges papers according to the length of the guide

member as taught by Masaru, since Masaru teaches that it is advantageous to store the paper in an orderly manner and to keep it from bad running condition.

***Allowable Subject Matter***

3. Claims 2,3,5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 2, the prior art does not teach or render obvious a discharging apparatus wherein the paper guide member is pivotally mounted at the paper outlet, when the paper guide member is in the first position the papers drop to a first placing position from the paper outlet without being guided by the paper guide member, and when the paper guide member is in the second position, a lower surface of each of the papers contacts the paper guide member to place the papers at a second placing position which is further than the first placing position from the paper outlet.

***Response to Arguments***

5. Applicant's arguments filed 10/12/05 have been fully considered but they are not persuasive. Regarding claim 1, the examiner notes that guide 7 moves perpendicular to and from the discharge. The position of the paper is considered to be located in two different locations. Therefore the claim will remain rejected over Toyoki due to the lack of arguments.

With regards to claim 8, on page 6, sixth paragraph, lines 1-2, the applicant notes that Toyoki does not teach, "first and second stacking positions being disposed relative to each other". The examiner notes that Toyoki is not being relied upon for the claimed limitation. Examiner relies on Masaru for the claimed limitation. Guide 5 in an up position would correspond to the first position. The second position would correspond to guide 5 being in a down position as indicated by the dashed lines on the figure.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.




If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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